

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Jeffrey Bennett and
Bennett Law Firm PA

v.

NH Civil No. 1:04-ds-401-PB
ME Civil No. 2:04-cv-212-GNZ

St. Paul Fire and Marine
Insurance Company

O R D E R

Plaintiffs move to compel discovery. At issue are Requests for Production of Documents nos. 1-6 and Request for Admissions nos. 1-5.

A. Documents

No. 1 - Having reviewed the documents filed in camera pursuant to my order of August 8, 2005, the motion is denied. The documents (each of them) are clearly protected by the attorney-client privilege. The documents are to be returned to Mr. Whitman, counsel for defendant.

Nos. 2-4 - Plaintiffs seek defendant's protocol or policy for ordering depositions associated with (a) preparation of an insured for a deposition, (b) initiation of defensive counterclaims, and (c) defense of Bar complaints. Defendant objected on several bases. It has not provided any documents in

camera alleging work product or privilege protections. The objection as to burdensome is well taken to the extent it seeks "any document" relating to the historical treatment of these three. It is not overly burdensome to produce a present protocol or policy with respect to one or more of these items, if they exist. Such protocols or policies are sufficiently relevant. The motion is granted as to nos. 2-4 as set forth.

No. 5 - Defendant claims it has produced all non-privileged responses. It cannot produce more than it has and, to the extent any of the in camera documents are responsive, they are protected by attorney-client privilege.

B. Admissions

No. 1 - The response is sufficient.

No. 2 - The response is ambiguous. Defendant is ordered to "admit" or "deny".


No. 3 - The response is sufficient.

No. 4 - The response is sufficient.

No. 5 - The response is sufficient.

The motion (document no. 26) is granted in part and denied in part.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: August 17, 2005

cc: Jens-Peter W. Bergen, Esq.
Anne H. Cressey, Esq.
Paul S. Douglass, Esq.
U.S. District Court-ME, Clerk
John S. Whitman, Esq.